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TO RUEHC/SECSTATE WASHDC 5090

INFO RUEHOR/AMEMBASSY GABORONE 5296

RUEHSB/AMEMBASSY HARARE 3685

RUEHLS/AMEMBASSY LUSAKA 3655

RUEHTO/AMEMBASSY MAPUTO 5887

RUEHTN/AMCONSUL CAPE TOWN 5820

RUEHDU/AMCONSUL DURBAN 9997

RUEHJO/AMCONSUL JOHANNESBURG 8218

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SUBJECT: SOUTH AFRICA DEBATES IMMIGRATION & BORDER POLICY

REF: PRETORIA 1544

Summary

¶1. In the aftermath of recent xenophobic violence, public debates (reftel) highlighted unresolved problems and wide divisions on immigration policy and border management. Stoked by alarmist media reports, South African society often misperceived foreign migrants as a burden or threat rather than a potential source of benefit. The Department of Home Affairs (DHA) was seen as ineffective in immigration administration, not least (by its own admission) in the use of deportation as a main tool to combat irregular migration. There was fundamental disagreement on how loosely or tightly SA's borders could or should be managed, with DHA favoring a soft stance ("management," not "control") while others argued every state was duty-bound to control its borders. In the absence of effective SAG controls, citizens could continue to counter unrestricted immigration by vigilante means.

¶2. Poloff attended two panel discussions of xenophobia's root causes and possible solutions. The first was hosted by the Institute of Security Studies (ISS) on June 5 with Deputy Minister of Home Affairs Malusi Gigaba; South African Human Rights Commission (SAHRC) Chairman Jody Kollapen; and South African Institute of International Affairs (SAIIA) Deputy Chairman Moeletsi Mbeki (brother of President Thabo Mbeki). The second was a high-powered debate held at Witswatersrand (Wits) University on June 17 with ANC Executive Committee member Valli Moosa; Western Cape Premier Ebrahim Rasool; University of SA (UNISA) Vice Chancellor Barney Pityana; the Human Sciences Research Council (HSRC)'s Wilmot James; and policy analyst Ebrahim Khalil-Hassen. End Summary.

Immigration A Blessing, Not A Curse

¶3. Millions of African and other immigrants have come to South Africa seeking new lives in the fourteen years since the end of apartheid. Zimbabwe alone is the source of probably close to three million new arrivals. Other main sources have been poor and unstable conflict zones such as Mozambique, Angola, the Democratic Republic of Congo, Somalia, and Nigeria. Many African immigrants bring critically needed technical and professional skills that are in short supply in SA. The DRC Ambassador told poloffs that a significant percentage of Kinshasa's professional elite are resident in SA, but local immigration policy does not allow them to work in their fields. Highly educated Zimbabwean professors and engineers swell the ranks of the working poor, as domestic workers, waiters, and gardeners. Somalis are often market traders and shopkeepers.

14. Participants in the two panels felt a need to change public (mis)perceptions of migrants as a social bane and burden, while encouraging awareness of the positive benefits of immigration. Malusia Gigaba said alarmist media reports of "floods" and "swarms" of aliens had fed a perception of all foreigners as sources of crime, drug traffic, and unemployment, and a net drain on resources. In truth, he said, Southern Africa had a rich history of migration -- a mix of refugees and asylum seekers, economic migrants, skilled workers, and students -- but public conflation of regular with irregular migration made all foreigners vulnerable to stigmatization and mistreatment. The SAG must improve asylum processing, said Gigaba, and help the public to understand migration's benefits.

15. Jody Kollapen raised the notion of migrants' untapped valuable skills. "We should see them as persons coming to work to our benefit. We must move beyond a posture of charity to one of partnership. Zimbabweans are skilled at business; are there partnership possibilities? What contribution can they make?" Wilmot James advocated empowerment of NGOs to assist immigrants, noting that even under the apartheid regime the DHA had previously provided such funding.

Current Approach is "Futile"

16. SA has long and porous land borders with six countries.

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There are reports of migrants walking from as far away as the Horn of Africa to enter SA avoiding official border checkpoints. The equally long maritime border with the Atlantic and Indian Oceans is underregulated and lightly policed. As a regional hub of air traffic, SA's air links with neighboring countries provide additional routes for intending immigrants to enter and disappear among the local population. While entries are recorded, data is not correlated to exits, and overstays are not pursued.

17. Participants agreed the SAG's current approach to immigration was ineffective. For starters, policy making was stymied by an absence of data, according to Barney Pityana. Some analysts estimated six million foreigners living illegally in SA, while the SAG's figure was three million (as claimed recently by ANC President Jacob Zuma) -- but in fact no one knew the real number of immigrants in SA, nor their origins, status, whereabouts, or activities. DHA's Gigaba cited statistics of 312,000 deportees in 2007, but this was "only a slice" and included repeat offenders. Deportation was costly and ineffectual, as irregular migrants kept returning. Kollapen concurred, summing up today's practices of arrest, detention, and deportation as "futile." En route to Mozambique, he had watched deportees jump off his train and meet taxis to return to work the same day.

18. DHA's endless delays on processing applications for political asylum and work permits perpetuated these round-trip cycles by denying migrants legitimate status or legal means to remain. The DHA, by SAG's own account, is one of the most troubled and least efficient of the cabinet ministries. Ineffectual leadership and major managerial staffing gaps further erode its capacity. Corruption is a major problem, and international security agencies have identified or captured criminal and terrorist operatives in possession of apparently bona fide SA travel documents. The DHA's level of customer service is dismal -- months to issue a passport or national I.D., and potentially years for a refugee's application for residency or asylum.

SAG: Border "Management" not Control

19. Despite consensus on DHA's problems, speakers disagreed on future solutions. (Note: such discussions carry a moral and historical subtext -- the association of tight controls with apartheid, versus the ANC's lowering of barriers for fellow Africans as an expression of solidarity and gratitude for African support during the long liberation struggle. End Note.) The more laissez-faire view was that migrant flows were inevitable, and the right approach was "management" not "control." Pityana asserted, "Securing borders is counterproductive. We need an immigration management system in cooperation with neighboring countries. Forty-five million is not overpopulated; South Africa can absorb more."

110. As a member of the South African Development Community (SADC), SA is in the process of adopting the 2005 Draft Protocol on Facilitation of Movement of Persons within the Community, which some analysts believe will exacerbate illegal migration. The Protocol includes, *inter alia*, a single regional visa enabling free travel throughout. In anticipation of hosting the 2010 FIFA World Cup, the SAG proposes to allow all African fans to enter SA without visas. Qproposes to allow all African fans to enter SA without visas.

111. Deputy Minister Gigaba took a similar view, stressing regional realities. "Many SADC countries have no resources to stem the flow, nor do they make any attempt. By SADC protocols, quotas will increase and then disappear. Human movement is due to widen, not become more restricted... Long-term we cannot deny the disappearance of borders. The worst response would be conservatism. It's about management, rather than combating and control, with multilateral cooperation and coordination among the three SAG tiers (national, provincial, local) in partnership with neighboring countries... Sealing borders will not work. It is failing in the US and the EU."

Opposing View: Borders Must Be Enforced

112. Others favored a stronger stance, arguing that border controls were a fundamental duty of any state. HSRC's James urged, "We do require secured borders, with controls that are

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fair, humane, and constitutional. This is government's responsibility within the rule of law." Having chaired a task force on this topic, he felt sure that even SA's extensive borders could be monitored with available technologies, focused on most frequent crossing points. "Border control is not the whole answer," James said, "but it is a key part." Ebrahim Rasool charged the DHA of not living in the real world. "A Home Affairs turnaround is urgently needed," he said, "to get us out of the twilight zone" on immigration and border management.

113. The most strident critique came from Moeletsi Mbeki, who blamed SAG "incompetence" for xenophobic violence. On immigration, he said, "Borders are not 'flexible,' they must be enforced, as a modern state. If you think you don't need to control borders you are a half-state, and the consequence is the recent events. Citizens will enforce the laws by these methods. If the government feels this is 'flexible,' you will get what you have just seen."

Comment

114. SAG and DHA statements ignore negative experiences of other countries with permissive attitudes to their borders. Immigration is a hot-button issue among SA voters, who expect action, not resignation. SAG ignores the issue at its peril.
BOST